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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 14-31 March 1994

LETTER DATED 28 MARCH 1994 FROM THE CHAIRMAN OF THE DELEGATION OF THE RUSSIAN FEDERATION ADDRESSED TO THE CHAIRMAN OF THE CONFERENCE

I have the honour to transmit to you, annexed to this letter, a draft resolution of the Conference relating to fishing in areas fully surrounded by the exclusive economic zones of one or more States.

The draft resolution is submitted by the delegation of the Russian Federation for consideration and adoption by the Conference.

I should be grateful if you would have this draft resolution circulated as a document of the Conference.

(Signed) V. K. ZILANOV
Chairman of the delegation
of the Russian Federation

Annex

DRAFT RESOLUTION OF THE UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS RELATING TO FISHING IN AREAS FULLY SURROUNDED BY THE EXCLUSIVE ECONOMIC ZONES OF ONE OR MORE STATES

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks,

Bearing in mind the importance of the long-term conservation of straddling fish stocks and highly migratory fish stocks on the high seas,

Considering that the entry into force on 16 November 1994 of the United Nations Convention on the Law of the Sea will be of great significance for the broader application of measures for the conservation and management of these stocks,

Recognizing at the same time the need to make additional efforts in order to raise the level of cooperation among States aimed at achieving sustainable fishing and preventing excessive exploitation of these stocks,

Noting the serious concern expressed by the delegations of many States over the abuses in respect of fishing for the above-mentioned stocks, which have assumed considerable proportions,

Realizing that this concern becomes especially acute in cases when excessive unregulated fishing takes place in areas of the high seas adjacent to the exclusive economic zone of a coastal State, and particularly when such fishing is conducted with increased intensity in relatively small areas which are fully surrounded by the exclusive economic zones of one or more States, and which form enclaves,

Considering that such fishing may cause serious or irreparable harm to the coastal State or States, as the case may be, and present a real threat to the subsistence of the coastal communities,

Guided by resolution 47/192, of the United Nations General Assembly of 22 December 1992, pursuant to which this Conference should identify and assess existing problems related to the conservation and management of straddling fish stocks and highly migratory fish stocks,

1. Calls upon States fishing in the enclaves to abide by the precautionary principle, taking into account the interests of the coastal State, making their fishing there subject to international management and regulatory measures to ensure environmentally sound utilization of fish stocks, and refraining from fishing contrary to, or in the absence of, such international measures;

2. Considers it important that, in the absence of such measures, the States concerned should make the necessary efforts to establish them as expeditiously as possible, and to agree on mutually acceptable arrangements;

3. Reaffirms the right of the coastal State, prior to agreement on such arrangements, to take interim protection measures designed to afford due and necessary protection to the relevant fish stocks, bearing in mind that such measures should not be discriminatory, either in form or in substance, and should apply equally to nationals of the coastal States and nationals of States fishing in the enclaves, and that the lack of full scientific certainty may not constitute a reason for the postponement of such measures.